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Attorneys for Defendant  
APPLE INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

16 AMANDA FRLEKIN, AARON GREGOROFF,  
17 SETH DOWLING, DEBRA SPEICHER; AND  
TAYLOR KALIN, on behalf of themselves and  
all others similarly situated.

## Plaintiffs,

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APPLE INC.,

Defendant.

Case No. 13cv03451-WHA

**JOINT STIPULATION TO VACATE  
DEADLINES, STAY ALL  
PROCEEDINGS, AND PERMIT 34-  
DAY NOTICE; PROPOSED ORDER**

Place: Ctrm. 12, 19th Floor  
Judge: Hon. William Alsup

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Case No. 13-cv-03451 WHA  
JOINT STIPULATION TO VACATE DEADLINES, STAY ALL PROCEEDINGS, AND PERMIT 34-DAY NOTICE: PROPOSED ORDER

1 Pursuant to Local Rule 7-12, Plaintiffs Seth Dowling, Aaron Gregoroff, Taylor Kalin, and  
 2 Debra Speicher on the one hand, and Defendant Apple Inc. on the other hand, by and through their  
 3 counsel of record, hereby stipulate, subject to the Court's approval, to: (1) vacate all litigation  
 4 deadlines for this case, including the third-party administrator's November 15, 2021 deadline to  
 5 serve the notice of claims procedure and claim form to class members; (2) stay all proceedings in  
 6 this action, except such proceedings that are necessary to obtain preliminary and final approval of  
 7 the parties' class-wide settlement; and (3) permit Plaintiffs' Motion for Preliminary Approval of  
 8 Class Action Settlement ("Motion for Preliminary Approval") (Dkt. No. 416) to be heard on  
 9 December 16, 2021 on 34 days' notice. The parties base their requests on the following:

10 WHEREAS, on April 14, 2021, the Court ordered that notice of the claims procedure and  
 11 claim form be disseminated to class members (Dkt. No. 407);

12 WHEREAS, the Court has on multiple occasions extended the deadline for the third-party  
 13 administrator to serve the notice of claims procedure and claim form to class members to allow the  
 14 parties to negotiate the terms of their settlement agreement, with the most recent order extending  
 15 the deadline to November 15, 2021 (Dkt. Nos. 409, 411, 413, 415);

16 WHEREAS, as described in Plaintiffs' Motion for Preliminary Approval and the Joint  
 17 Declaration of Lee S. Shalov and Kimberly A. Kralowec filed in support thereof (Dkt. Nos. 416,  
 18 416-1), filed on November 12, 2021, the parties have executed an agreement to settle this action on  
 19 a class-wide basis, subject to the Court's approval;

20 WHEREAS, as part of the settlement agreement, the parties agreed, "[s]ubject to Court  
 21 approval, . . . to stay all proceedings in the Action, except such proceedings necessary to implement  
 22 and complete the Settlement, pending the Final Approval Hearing to be conducted by the Court[]]"  
 23 (Dkt. No. 416-2, ¶ 3.7.6);

24 WHEREAS, Local Rule 7-2(a) provides, in part, "Except as otherwise ordered or permitted  
 25 by the assigned Judge or these Local Rules, . . . all motions must be filed, served and noticed in  
 26 writing on the motion calendar of the assigned Judge for hearing no less than 35 days after filing of  
 27 the motion[]"; and

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1 WHEREAS, Plaintiffs noticed the hearing on their Motion for Preliminary Approval for  
2 December 16, 2021, which is 34 days after the filing of their Motion for Preliminary Approval.

3 THEREFORE, the parties request that the Court issue an order (1) vacating all litigation  
4 deadlines for this case, including the third-party administrator's November 15, 2021 deadline to  
5 serve the notice of claims procedure and claim form to class members; (2) staying all proceedings  
6 in this action, except such proceedings that are necessary to obtain preliminary and final approval  
7 of the parties' class-wide settlement; and (3) permitting Plaintiffs' Motion for Preliminary Approval  
8 (Dkt. No. 416) to be heard on December 16, 2021 on 34 days' notice.

Dated: November 12, 2021

DLA PIPER LLP (US)

By: /s/ *Matthew Riley*  
JULIE DUNNE  
MATTHEW RILEY

*Attorneys for Defendant Apple Inc.*

Dated: November 12, 2021

**McLAUGHLIN & STERN, LLP**

By: /s/ Lee Shalov  
LEE SHALOV

*Attorneys for Plaintiffs and the Class*

## **ATTESTATION**

22 In accordance with Local Rule 5-1(i)(3), I attest that the other Signatories named above have  
23 concurred in the filing of this document.

24 | Dated: November 12, 2021

DLA PIPER LLP (US)

By: /s/ Matthew Riley  
Matthew Riley  
Attorney for Defendant  
APPLE INC.

## **[PROPOSED] ORDER**

Pursuant to the parties' stipulation, the Court finds good cause exists to order the following:

1. All litigation deadlines for this case, including the third-party administrator's November 15, 2021 deadline to serve the notice of claims procedure and claim form to class members, are VACATED;
2. All proceedings in this action are STAYED, except such proceedings that are necessary to obtain preliminary and final approval of the parties' class-wide settlement; and
3. The Court PERMITS Plaintiffs' Motion for Preliminary Approval (Dkt. No. 416) to be heard on December 16, 2021, on 34 days' notice pursuant to Local Rule 7-2(a).

IT IS SO ORDERED.

Dated: \_\_\_\_\_

William Alsup  
United States District Judge